1 2 3 4 5 6 UNITED STATES DISTRICT CCOURT 7 DISTRICT OF NEVADA 8 9 JAMES I. SCHAAP, Case No.: 3:19-CV-00765-RCJ-CLB 10 ORDER ADOPTING AND ACCEPTING Plaintiff, 11 REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE 12 VS. (ECF NO. 5) 13 THOMAS B. MODLY, et al., 14 Defendants. 15 16 17 Before the Court is the Report and Recommendation of United States Magistrate Judge 18 Carla L. Baldwin (ECF No. 5<sup>1</sup>) entered on March 23, 2020, recommending that the Court grant 19 Plaintiff's Motion for Leave to Proceed In Forma Pauperis (ECF No. 1) and file the Complaint 20 (ECF No. 1-1) and dismiss complaint with prejudice. No objection to the Report and 21 22 Recommendation has been filled. 23 This action was referred to Magistrate Judge Baldwin under 28 U.S.C. § 636(b)(1)(B) 24 and Local Rule IB 1-4 of the Rules of Practice of the United States District Court for the District 25 of Nevada. 26 27 28 <sup>1</sup> Refers to Court's docket number.

## Case 3:19-cv-00765-RCJ-CLB Document 6 Filed 05/20/20 Page 2 of 2

The Court has considered the pleadings and memoranda of the parties and other relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. IT IS HEREBY ORDERED that Magistrate Judge Baldwin's Report and Recommendation (ECF No. 5) is ADOPTED and ACCEPTED. IT IS FURTHER ORDERED that Plaintiff's Motion for Leave to Proceed In Forma Pauperis (ECF No. 1) is GRANTED, the Clerk of the Court shall file Complaint (ECF No. 1-1). IT IS FURTHER ORDERED that the Complaint is DISMISSED WITH PREJUDICE. IT IS FURTHER ORDERED that the Clerk of the Court shall close the case. IT IS SO ORDERED. Dated this 20<sup>th</sup> day of May, 2020. ROBERT C. United States District Judge